

SECOND REGULAR SESSION

SENATE BILL NO. 755

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Pre-filed December 14, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3808S.011

AN ACT

To repeal section 288.035, RSMo, and to enact in lieu thereof one new section relating to owner/operator employment security.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 288.035, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 288.035, to read as follows:

288.035. Notwithstanding the provisions of section 288.034, RSMo, in the
2 case of an individual who is the owner, **as defined in subsection 43 of section**
3 **301.010, RSMo**, and operator of a motor vehicle which is leased or contracted
4 with driver to a for-hire common or contract motor vehicle carrier operating
5 within a commercial zone as defined in section 390.020 or 390.041, or operating
6 under a certificate issued by the [motor carrier and railroad safety division of the
7 department of economic development under the provisions of this chapter or by
8 the interstate commerce commission] **Missouri department of transportation**
9 **or by the United States Department of Transportation or any of its**
10 **subagencies**, such owner/operator shall not be deemed to be an employee,
11 provided, however, such individual owner and operator shall be deemed to be in
12 employment if the for-hire common or contract vehicle carrier is an organization
13 described in section 501(c)(3) of the Internal Revenue Code or any governmental
14 entity.

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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.